

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

CASE NO. SC11-905

INQUIRY CONCERNING A JUDGE, NO. 10-420
RE: WILLIAM SINGBUSH

ANSWER TO NOTICE OF FORMAL CHARGES

Pursuant to Fla. Jud. Qual. Comm'n R. 9, William Jack Singbush ("Judge Singbush") answers the Notice of Formal Charges filed against him in this action and says:

1. Deny that statements to the effect that he is "here to serve" and related offers to resume hearings after hours are sarcastically made; otherwise, subject to the affirmative and mitigation defenses set forth hereinafter, admit.

2. Admit Judge Singbush is a smoker and further admit he does smoke during his breaks; otherwise, deny.

3. Subject to the affirmative and mitigation defenses set forth hereinafter, admit.

4. Admit.

5. Admit Judge Singbush was the presiding Judge in *Jumbolair, Inc. v. Garemore, et al*, Marion County Case #02-2312-CA-G and admit Judge Singbush briefly reviewed the NCIC report; otherwise, deny.

6. Subject to the affirmative and mitigation defenses set forth hereinafter, admit.

7. Subject to the affirmative and mitigation defenses set forth hereinafter, admit Judge Singbush gave the document to counsel for the witness; otherwise, deny.

8. Subject to the affirmative and mitigation defenses set forth hereinafter, admit.

AFFIRMATIVE AND MITIGATION DEFENSES

1. Delays in docket management can be beyond Judge Singbush's control. In addition, Judge Singbush's own prior health difficulties together with his having provided extended care to both of his parents during their respective terminal illnesses previously affected his ability to manage his docket; both at the courthouse and at the jail. With that said, Judge Singbush acknowledges that some delays in docket management were without valid excuse. Judge Singbush has already taken steps reasonably necessary to correct past difficulties with

management of his docket. As a result, Judge Singbush is no longer habitually late for court; thereby demonstrating in relevant part his present fitness to hold office.

2. Judge Singbush acknowledges it would have been more prudent had he not made the statements quoted in paragraph 6 of the Notice of Formal Charges. However, context confirms the statements did not violate the Code of Judicial Conduct as alleged in the Notice of Formal Charges; including Cannon 3B (5) (manifest bias through words or conduct). Placed in context, those statements were meant simply to confirm Judge Singbush's recognition that everyone makes mistakes. More pointedly, the statements were intended to emphasize Judge Singbush's immediately preceding comments which disclaimed any bias based upon the contents of the NCIC report. Judge Singbush regrets having made the particular statements quoted in paragraph 6. With that said, the making of those statements does not contradict Judge Singbush's present fitness to hold office.

3. At the worst, delivery of the NCIC document to counsel for the witness who was the subject of that document was a mistake made in good faith. All parties and other individuals to whom the NCIC document might apply discussed the appropriate disposition of the document. After discussion, all involved resolved the dilemma through consensus. More particularly, counsel would retain the document pending necessity for further proceedings. It is significant to note that no one voiced any objection to this procedure. Delivery of

the document to counsel for the involved witness does not contradict Judge Singbush's present fitness to hold office.

4. The one year delay between conclusion of the *Jumbolair* trial and rendition of the judgment is not representative of Judge Singbush's normal practice. *Jumbolair* was not an average case. The electronic docket maintained by the Clerk of Court consists of twenty-six pages which confirm multiple proceedings throughout the pendency of the *Jumbolair* litigation. Included in those proceedings is a significant amount of motions practice between conclusion of trial and rendition of judgment. The case was extensively litigated by all parties and involved complicated questions of both fact and law. All positions advocated by all of the parties deserved full and fair consideration by the court before ruling. The judgment was drafted personally by Judge Singbush and consists of twenty pages of detailed analysis. Substantial judicial effort was required. The delay in filing the *Jumbolair* judgment does not contradict Judge Singbush's present fitness to hold office.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: Michael L. Schneider, General Counsel, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303;

E. Lanny Russell, Special Counsel, Smith Hulsey & Busey, Post Office Box 55315, Jacksonville, Florida 32201-3315; and John Beranek, as Counsel to the Hearing Panel, Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303 this ____ day of May, 2011.

By: _____
William H. Phelan, Jr.
Fla. Bar No.: 273805
**BOND, ARNETT, PHELAN,
SMITH & CRAGGS, P.A.**
Post Office Box 2405
Ocala, Florida 34478
(352)622-1188
(352)622-1125 Facsimile
Attorneys for William Singbush